IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9169 OF 2004

Jayantilal Madhusudan Gujarathi .. Petitioner.
Vs.
Basantilal Madhusudan Gujarathi .. Respondent.

Mr.Rahul P.Walvekar for the petitioner.

CORAM : D.B.BHOSALE, J.

DATED : 1ST DECEMBER, 2004

P.C.:

. Heard Mr.Walvekar, learned counsel for the petitioner.

2. Mr.Walvekar, learned counsel for the petitioner submits that he is not pressing this petition on merits and the petitioner will be satisfied if he is given liberty to examine handwriting expert, who has given opinion in respect of the disputed signature stating that he is unable to give any definite opinion about the said signature. After having heard Mr.Walvekar, perused the impugned order and other material placed before me, I am satisfied, that the following order will meet the ends of justice:

(a) The writ petition is disposed of as not pressed.

(b) It is open for the petitioner to apply for issuance of witness summons to the handwriting expert and examine him as his witness in the case. If such application is filed, same may be considered in accordance with law.

(D.B.Bhosale, J.)